REMARKS

Claims 5-10 and 22-27 are pending in this application. Claims 5 and 22 have been amended. No new matter has been introduced as a result of these amendments.

Rejections Under 35 USC 101

The Examiner has rejected claims 5 and 22 as being directed to non-statutory subject matter. The Applicants have amended claims 5 and 22 to provide a useful, concrete and tangible result. In particular, the processing resource will process the highest priority event prior to any of the remaining events. Accordingly, Applicants request that this rejection be removed for at least these reasons.

Rejections Under 35 USC 102

The Applicants respectfully request the removal of the rejections under 35 USC 102 as being anticipated by US Patent No. 6,701,324 to Cochran et al. Claim 5 includes the features of defining a data structure with a root level having a node group, the node group having k number of nodes, each of the k number of nodes sharing a pointer, each of the k number of nodes stored contiguously in memory, wherein the k number is equal to a number of multiple queues; associating the multiple queues with respective nodes; and assigning a value representing the corresponding priority to the respective nodes. Cochran fails to anticipate these features. In response to the Applicants last amendment, the Examiner has repeated the same rejections and asserts that Cochran clearly discloses a node like data structure for maintaining and scheduling events by referring to Figure 1A. In addition, the Examiner asserts that the feature of defining a

data structure with a root level having a node group, the node group having k number of nodes, each of the k number of nodes sharing a pointer, each of the k number of nodes stored contiguously in memory, wherein the k number is equal to a number of multiple queues; associating the multiple queues with respective nodes is disclosed by Figure 1A items 110, 108, 106 and 104. Item 110 is a routing manager which is a centralized module managing collectors 108, which are objects that collect data from a fixed set of endpoints 104. Gateways 106 facilitate communication between endpoints 104 and collectors 108 and/or routing manager 110 (see column 3, lines 45- column 4, line 15). There is nothing in this section that discloses each of the nodes sharing a pointer. Gateway 106 is not a pointer, but is s system that routs data to a relational interface module (see column 2, line 64 to column 5, line 5). Applicants would like for the Examiner to elaborate how a system routing data discloses nodes sharing a pointer.

The Examiner further references column 5, lines 18-22 as disclosing this feature. Nowhere in this referenced section or anywhere else within Cochran, is the feature of the k number of nodes being stored contiguously in memory shown. As stated in the last amendment, Cochran is directed to the collection of nodes in distributed systems, which would be impossible to store contiguously in memory (see column 1, lines 22-27). In response, the Examiner conclusorily asserts that in order to store and manage nodes, Cochran must contiguously store or manage in store in an organized matter in memory. The Examiner has provided no technical basis whatsoever for having to contiguously store the nodes as claimed in the present invention, but asserts that the nodes must be stored in an organized manner in memory. Any memory can be characterized as storing data in an organized manner, however, this has nothing to do with storing nodes contiguously. Each and every element of the claimed features have not been shown. Accordingly, the Applicants respectfully request that the rejection to claim 5 be withdrawn in light of this amendment. Claims 6-10 depend from claim 5 and are likewise patentable over the cited reference for at least the same reasons. In referring to claims 6-10, the

Examiner simply states that the rescheduling of Figure 4, the routing manager of Figure 1A and the RDBMS of Figure 1A disclose the features of the dependent claims. There is no analysis whatsoever in the examination. Dependent features include determining if a node is empty after selection, retaining a value enabling rescheduling of the node after selection and rotating a pointer among the nodes. Applicants respectfully request that the Examiner elaborate how a broad reference to a scheduler, which is employs IOM channels for transmission and collection of data (see column 8, line 47), discloses determining if a node is empty or any of the other above-mentioned features. Accordingly, the features defined through claims 6-10 further provide additional subject matter that is not anticipated by the cited reference. Claim 22 and dependent claims 23-27 are patentable over Cohran for at least the same reasons. Applicants respectfully request an examination of the claims based on the features specified in the claims and that the broad, overbearing and conclusory assumptions of the examination be replaced with actual analysis and technical reasoning to support the rejections if these rejections are maintained.

Applicants respectfully request a Notice of Allowance based on the foregoing remarks. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774 6921. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ALTEP072). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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